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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,211	10/17/2001	James Shuder	SUN-P6552 US/NC	7395
7590 04/06/2006			EXAMINER	
ROBERT C. KOWERT MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P. O. BOX 398 AUSTIN,, TX 78767-0398			JASMIN, LYNDIA C	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,211

Applicant(s)

SHUDER ET AL.

Examiner

Lynda Jasmin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/13/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment received on January 13, 2006 has been acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 11, and 17 the recitation "each specifying one or more goods to be purchased" renders the claims indefinite since it is unclear as to which "each specifying" Applications are referring to in these limitation.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Haney (2001/0051889 A1).

Haney discloses the system and method (10) as claimed having a computer implemented procurement module (via organization 20) for processing both purchase order requisitions for goods and timecard information for services (see page 2, ¶ [0021]), the procurement module including a buyer module (via requesting manager computer 22) for receiving information related to contractor services (via candidate's services) and for generating an electronic timecard in response thereto (see page 2, ¶ [0022]), and a timecard module (via contract computer 28) receiving electronic timecards from the buyer module and for generating a purchase order based on approved electronic timecards (¶ [0025]), the purchase order for use in generating a payment for the contractor services (via submitting an invoice to organization 20).

Haney further discloses a workflow module (via estimated work hours and overtime hours) coupled to the timecard module for use in allowing an approver (resource approver) to approve and decline the electronic timecards (see ¶ [0025]). Further, the timecard module generates an approval notification in response to receiving an electronic timecard from the buyer module (see ¶ [0026]). The approval notification is an electronic mail message having an approval form readable by the workflow module (via a CLR form), the electronic mail message transmitted to an approver related to the contractor services (see ¶ [0026]). The approval form is readable by an electronic mail program and is returned to the computer implemented procurement system after being completed by the approver (see ¶s [0028-0031]). The buyer module is browser based (GUI) and wherein the procurement module is hosted on a remote server system (via communication network 30). The computer implemented

procurement system (via organization 20) further includes an external report generating module for generating information to be used by external applications and wherein the information is formatted using XML data (see ¶ [0036]). The electronic timecard further includes a plurality of line items describing the contractor services (via presenting resumes information) having a contractor identification, a description of services rendered, an amount of hours performed for the services rendered, an hourly rate for said hours, and subtotals representing the amount of hours by the hourly rate (as illustrated in Figure 6). The timecard module includes a contractor profile for a contractor, the contractor profile including contractor identification, authorized projects for the contractor, authorized work types for the contractor, an authorized hourly rate for the contractor, and an approver for the contractor (as illustrated in Figure 4; see ¶s [0049-0051]). The electronic timecard comprises a plurality of line items and wherein the approval notification comprises information from the electronic timecard and an accounting code associated with each line time of said electronic timecard (via field 614-616; as illustrated in the timesheet form Figure 6).

Response to Arguments

6. Applicant's arguments filed January 13, 2006 have been fully considered but they are not persuasive. Applicants argue, "Haney fails to disclose a timecard module configured to generate a purchase order based on one or more approved electronic timecards". The Examiner respectfully disagrees. The Examiner notes that the claimed system includes a server that is "configured to" do this and "configured to" do that. By

using "configured to" language, Applicants have not claimed that the claimed machine *actually performs* any of the "configured to" actions. With the proper software, the standard PC is "configured to" perform virtually unlimited number of functions. If Applicants desire to have the "configured to" phrases to have greater patentable significance, the Examiner respectfully recommends Applicants include e.g. --a computer implemented procurement module processing-- and --a buyer module receiving information... and generating an electronic timecard-- and --a timecard module receiving... and generating-- or similar positively recited, claim language.

Next, Applicants argue, "Haney teaches away from generating a purchase order based on approved electronic timecards". The Examiner respectfully disagrees. Haney discloses a selected resource manager verifying a CLR form, and contracts computer 28 computing the dollar amount of the contract labor request, based in part on the estimated regular work hours and over time hours, and submitting this to resource approver 25. Resource approver 25 may determine whether to approve or disapprove the contract labor request.

Further Applicants argue," Haney's system is not capable of processing both purchase order requisitions specifying one or more goods to be purchased and timecard information specifying time information related to one or more rendered services". The Examiner respectfully disagrees. Haney discloses a purchase order that may, for example, include the purchase order number, the purchase order date, the candidate's name and social security number, the vendor's name, remit to code, and address, the billing rates, the hours, the labor amount, the expense amount, the purchase order

amount, the start date and the end date. This completes the contract labor request procurement process. Further, the resource manager may be able to view and edit the list of suppliers and review the status of purchase orders, including invoices, for which she is responsible.

Applicants also argue, "Haney does not describe an external report generating module configured to generate information to be used by external applications and to format the information using XML data". The Examiner respectfully disagrees. Haney discloses using the help of a web browser such as Internet Explorer 4.0 or Netscape Navigator 4.0 to present information to present information, a variety of other manners, such as fax or mail to send information. The Examiner notes that web browser is software that lets a user view HTML documents. HTML and XML are markup languages, which are used in web pages. Further, Haney discloses that some or all of the information may be presented in plain text format, in verbal format, in hard copy format, and/or any other appropriate type of format.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamamoto et al and Driscoll et al. are cited as art of interest.
8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

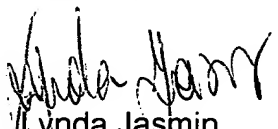
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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-6782. The examiner can normally be reached on Monday- Friday (9:30-6:00) with Thursday Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lynda Jasmin
Primary Examiner
Art Unit 3627

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